

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JAMES LINTNER and
MARY EMBREE,

Plaintiffs,

v.

BANK OF NEW YORK MELLON and
SAXON MORTGAGE SERVICE, INC.,

Defendants.

Civil Docket No.:
1:12-cv-00462-JL

**DEFENDANT THE BANK OF NEW YORK MELLON'S ASSENTED-TO
MOTION TO CONTINUE THE PRELIMINARY PRETRIAL CONFERENCE TO
JANUARY 29, 2013**

The Defendant, The Bank of New York Mellon fka The Bank of New York, as Successor Trustee for JPMORGAN CHASE BANK, N.A., as Trustee for NovaStar Mortgage Funding Trust, Series 2006-3 NovaStar Home Equity Loan Asset-Backed Certificates, Series 2006-3 ("BONY"), hereby moves the Court to continue the preliminary pretrial conference, now scheduled for January 22, 2013, to January 29, 2013 at 3p.m. In support of its motion, BONY states as follows:

1. A preliminary pretrial conference is scheduled for January 22, 2013 at 11 a.m., however counsel for BONY has a previously-scheduled mediation in federal court in Massachusetts at the same time. Therefore, BONY respectfully requests a continuance of the preliminary pretrial conference to January 29, 2013 at 3 p.m. and, accordingly, an extension of the date that the Joint Discovery Plan must be filed to January 22, 2013.

2. A memorandum of law was not filed in support since granting this motion is within the discretion of the Court.
3. All counsel in this matter assent to the relief requested by this motion and have confirmed that they are available on the proposed date.

WHEREFORE, BONY respectfully requests that this Court continue the January 22, 2013 preliminary pretrial conference to January 29, 2013 at 3 p.m., extend the deadline to file the Joint Discovery Plan to January 22, 2013, and grant such other relief as is just and appropriate.

Respectfully submitted,
Defendant,
The Bank of New York Mellon fka
The Bank of New York, as
Successor Trustee for JPMORGAN
CHASE BANK, N.A., as Trustee for
NovaStar Mortgage Funding Trust,
Series 2006-3 NovaStar Home
Equity Loan Asset-Backed
Certificates, Series 2006-3,
By its attorney,

/s/ Joshua D. Shakun
Joshua D. Shakun (NH Bar #18354)
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Dated: January 4, 2013

CERTIFICATE OF SERVICE

I, Joshua D. Shakun, hereby certify that this motion, filed through the ECF system on January 4, 2013, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those, if any, indicated as non-registered participants.

/s/ Joshua D. Shakun
Joshua D. Shakun